

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Adopted Rules

### ■ FOID & CONCEALED CARRY

The ILLINOIS STATE POLICE adopted amendments to the Parts titled Firearm Owners' Identification Card Act (20 IAC 1230; 44 Ill Reg 14826) and Firearm Concealed Carry Act Procedures (20 IAC 1231; 44 Ill Reg 14828), both effective 8/30/21, replacing emergency rules that expired on 7/19/21. These rulemakings provide that existing Firearm Owners Identification Cards (FOIDs) and Firearm Concealed Carry Licenses (FCCLs) that expire while the Gubernatorial Disaster Proclamations related to COVID-19 are in effect will remain conditionally valid for 6 months after the last proclamation has expired (changed since 1<sup>st</sup> Notice from 18 months) or until a new FOID or FCCL is issued, whichever occurs first, provided that the holder has submitted a complete and accurate renewal

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

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application and the FOID or FCCL is not subject to revocation under other provisions of law. FOIDs renewed during the disaster proclamations shall expire 10 years after the date of issuance; FCCLs issued during this period shall expire 5 years after issuance.

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## Proposed Rulemakings

### ■ FOID & CONCEALED CARRY

The ILLINOIS STATE POLICE proposed amendments to the Parts titled Firearm Owners' Identification Card Act (20 IAC 1230; 45 Ill Reg 10938) and Firearm Concealed Carry Act Procedures (20 IAC 1231; 45 Ill Reg 10961) clarifying various aspects of the application and approval process for FOID Cards and Firearm Concealed Carry Licenses (FCCLs). The Part 1230 amendments provide for FOID Cards and FCCLs to expire at the same time; a current FOID will be renewed for 10 years from the date the FOID holder receives a new or renewed FCCL, and a FOID that is due to expire while the holder's FCCL is valid will remain valid until the FCCL expires. Effective 1/1/23, whenever a Firearm Transfer Inquiry (verification of a firearm

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Adopted Rules

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*Questions/requests for copies of the 2 ISP rulemakings: Maureen B. McCurry, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

## ■ TELEHEALTH

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; 45 Ill Reg 5300) effective 8/27/21, replacing an emergency rule that was effective 4/9/21. The rulemaking allows qualified health care professionals (formerly, only physicians, advanced practice registered nurses, or physician assistants) to conduct virtual patient check-ins for telehealth encounters during a public health emergency. Providers offering telehealth services are affected.

*Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## ■ CHILD CARE GRANTS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 45 Ill Reg 4776), effective 8/26/21, replacing emergency rules that were effective 4/1/21. The rulemaking establishes procedures for day care homes and centers to apply for a new round of Child Care Restoration Grants made available through the federal Coronavirus Supplemental Response and

Relief Act (Public Law 116-360). The criteria for eligibility, award determination, and eligible expenses established by DHS are nearly identical to those used by the Department of Commerce and Economic Opportunity (DCEO) for previous child care restoration grants provided through the Business Interruption Grant (BIG) Program in late 2020. Day care homes and centers that previously received BIG assistance or meet the same eligibility criteria that DCEO established for BIG are also eligible for the new grants. Eligible day care homes and centers must be licensed by DCFS or be license-exempt facilities serving school-age children; provide year-round child care services; rely upon private pay tuition and/or Child Care Assistance Program (CCAP) subsidies for at least 25% of their revenues; be open and receiving children at the time of application; and certify that their operating capacity has been reduced and/or operating costs have increased due to COVID-19 restrictions. Criteria for determining the amount of a grant award to an applicant day care include its licensed capacity as of 3/1/20 or, if licensed after that date, its capacity as of the date of application; its location; and its current rating in the Illinois ExceleRate Quality Rating and Improvement System. Day cares located in disproportionately impacted areas will receive a 10% increase in their awards. Grant awards may be used for operational costs not otherwise covered by a grant or loan from other sources (e.g., Paycheck Protection Program, other disaster

relief, Early Childhood Block Grants). The duration of the program and the amount of funding available will depend upon the availability of State and federal funding and any changes in federal laws and regulations. Day care homes and centers that receive CCAP subsidies are affected.

## ■ SUPPORTIVE HOUSING

DHS also adopted amendments to the Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 45 Ill Reg 5302) effective 8/30/21. The Part governs a DHS program providing subsidized housing and various supportive services to persons with mental illness who would otherwise be at risk of homelessness or institutionalization. The rulemaking requires Permanent Supportive Housing (PSH) models to utilize scattered site housing, with rental arrangements made directly with the property owners; allows monthly case management wellness visits to be conducted virtually or at alternative locations (formerly, at the consumer's home); and allows State-contracted service providers (formerly, Community Mental Health Centers) to provide services. Eligibility for PSH, which had been limited to adults with a diagnosis of serious mental illness, is extended to Colbert Class Members (Medicaid-eligible adults residing in Cook County nursing homes; the *Colbert*

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# Proposed Rulemakings

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transferee's eligibility to own a firearm) is performed on a FOID Card holder who has submitted a full set of fingerprints to ISP, the holder's FOID card will remain active and be renewed for 10 years from the date the inquiry was approved, provided that the FOID holder is not subject to revocation or suspension. A FOID Card may be imprinted with a designator to indicate that the holder also holds an FCCL. Applications for a FOID or FCCL can be made online or through customer service kiosks (at firearms dealers, sporting goods stores, etc.); paper applications will be accepted only from applicants with appropriate proof of an exemption based upon religion or disability. Applications must be accompanied by all applicable fees, which will be collected (with a convenience fee) via the State Treasurer's E-Pay Program. If an application is rejected because it is incomplete and a completed application is resubmitted within 60 days, an additional fee will not be charged. Incomplete applications not completed within 60 days will be denied. If an application is denied because the applicant did not qualify for a FOID or FCCL, separate fees will be charged for subsequent applications. If a person with an FCCL or a FOID Card with a designator becomes subject to suspension or revocation of the FCCL, but is otherwise eligible to hold a FOID Card, that person's FOID Card will remain valid for its duration. The rulemaking also provides that,

## ■ SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted emergency amendments to the Parts titled Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 11212), Educator Licensure (23 IAC 25; 45 Ill Reg 11225), Standards for Endorsements in Special Education (23 IAC 28; 45 Ill Reg 11246), Standards for Administrative Endorsements (23 IAC 29; 45 Ill Reg 11326), New Teacher Induction and Mentoring (23 IAC 65; 45 Ill Reg 11344), Illinois Hope and Opportunity Pathways Through Education Program (23 IAC 210; 45 Ill Reg 11349), Special Education (23 IAC 226; 45 Ill Reg 11355), Alternative Learning Opportunities Program (23 IAC 240; 45 Ill Reg 11384), Driver Education (23 IAC 252; 45 Ill Reg 11397), and Special Education Facilities under Section 14-7.02 of the School Code (23 IAC 401; 45 Ill Reg

when ISP develops a system allowing for electronic communication, FOID and FCCL holders will have the option of receiving official communications via e-mail or text message instead of by mail. Other provisions address procedures for checking the validity of FOID Cards and FCCLs; outline procedures for suspension, revocation or cancellation of FOIDs and FCCLs; and outline appeal procedures for persons whose applications for

## Emergency Rules

11407), all effective 8/26/21 for a maximum of 150 days. These emergency rules implement Public Act 102-73, which allows students with Individualized Education Plans who reach their 22<sup>nd</sup> birthdays while in-person instruction is suspended for 3 months or more due to the COVID-19 public health emergency to remain eligible for services through the end of the 2021-22 school year. The amendments to each Part define "eligible age" as 22 for students who meet the criteria specified in the Public Act, or 21 otherwise, and replace 21 with "eligible age" in references to the maximum age for special education eligibility. Special education service providers and cooperatives are affected by these emergency rules.

*Questions/requests for copies of the 10 SBE emergency rules: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, (217) 782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

FOIDs or FCCLs are denied. The Part 1231 amendments additionally require ISP to notify FCCL holders 180 days (currently, 60 days) in advance of expiration and provide instructions for renewing the FCCL. Those affected by these rulemakings include businesses that sell or purchase firearms.

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# Adopted Rules

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vs. *Quinn* federal consent decree requires the State to assist these persons in finding independent housing if they do not need to be institutionalized). Stipends or allowances given to persons with disabilities for basic needs, or as an incentive to participate in a government-sponsored employment program, will not be counted in determining financial eligibility. Other provisions update the list of serious mental illness diagnoses that qualify consumers for PSH and clarify various responsibilities assigned to service providers, which include insuring tenant and landlord compliance with flexible leasing terms. Those affected by this rulemaking include PSH tenants, property owners, and service provider agencies.

*Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Avenue East, 3<sup>rd</sup> Floor, Springfield IL 62762, 217/785-9772.*

## ■ HOME HEALTH SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 45 Ill Reg 6156), effective 8/27/21, replacing emergency amendments that were effective 5/3/21. The amendments align the Part with federal regulations by allowing a health care professional (formerly, physician or podiatrist) to approve orders for home health services.

Home health service and/or nursing agencies are affected.

## ■ NURSING HOMES

DPH also adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 4778), effective 8/27/21, implementing various Public Acts and federal regulations. The rulemaking incorporates federal regulations regarding patient abuse, neglect, privacy, and confidentiality; requires facilities to establish antibiotic stewardship programs to prevent overuse of antibiotics and development of antibiotic-resistant bacteria; requires federally certified facilities to comply with the 2012 edition of the National Fire Protection Association 101 Life Safety Code; and requires facilities to comply with the Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406]. The rulemaking also requires facilities to notify DPH and submit an operations contingency plan in the event of an impending strike by direct care staff. Facilities must also maintain facility-specific email addresses (not issued to individual staff members) that will not change without prior notification to DPH. Nursing homes are affected by this rulemaking.

*Questions/requests for copies of the 2 DPH rulemakings: Tracey Trigillo, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217 / 782 - 2043 , [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## SPORTS WAGERING

The ILLINOIS GAMING BOARD adopted amendments to Sports Wagering (11 IAC 1900; 45 Ill Reg 6548) effective 8/27/21, clarifying various aspects of sports wagering and occupational licensing for employees of sports wagering licensees. The rulemaking provides that IGB may only renew an occupational license after the annual fee has been received, and stipulates that the annual fee is due on the last day of the month prior to the month in which the occupational license was issued. Validly placed wagers can only be canceled by the master sports wagering licensee when the sports event that is the subject of the wager is canceled or rescheduled to a different date; when an individual athlete/competitor fails to participate in a sports event and the wager was based solely on that individual's performance; or when a "material change in circumstances" occurs. What constitutes a "material change in circumstances" is subject to the approval of the IGB Administrator, must be documented in the internal control system, and must be clearly and prominently displayed to the patron at the time the wager is placed. The rulemaking removes a requirement that master sports wagering licensees offer both sides of a wager in which there are only two possible outcomes and also removes a prohibition against wagers on the individual performance of athletes under age

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# Proposed Rulemakings

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*Questions/requests for copies/ comments on the 2 ISP rulemakings through 10/25/21: Maureen B. McCurry, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

## ■ AFTER-SCHOOL PROGRAMS

The STATE BOARD OF EDUCATION proposed a new Part titled After-School Grant Program (23 IAC 268; 45 Ill Reg 10905), implementing provisions of the Fiscal Year 2022 budget that provide grants to school districts and community organizations for after-school programming. The program is open to school districts that have at least one school with a 70% or higher low income enrollment, or other entities (e.g., Regional Offices of Education, Intermediate Service Centers, community-based organizations) with a district-wide, evidence-based low income concentration of 70% or more. Each qualifying school will receive a base grant of \$2,500, plus an additional amount per low-income student based upon the amount of funding available and the number of students served. No more than 5% of each grant may be spent on administrative expenses. Other, non-school-district entities' grant amounts will be based upon the available appropriated funds. Application procedures for school district and non-school entities are

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## DOL Public Hearing

### ■ DOMESTIC WORKERS

The DEPARTMENT OF LABOR will hold a public hearing on proposed amendments to the Part titled Minimum Wage Law (56 IAC 210; 45 Ill Reg 10255) **Monday, Sept. 13 at 11 a.m.** The public hearing will be accessible via WebEx at: <https://illinois.webex.com/illinois/j.php?MTID=m8076c0ef2adbb1144cf9fbb288f0ae1c>. Participants may also join by phone at 312/535-8110 using access code 177 683 6020. The password from computer devices is bpTDkTSh542 and from phones is 27835874. The hearing concerns proposed amendments published in the 8/13/21 *Illinois Register* that define various aspects of the Minimum Wage Law as it applies to domestic workers, including calculations of hours worked, time and pay records, and overtime pay. Oral testimony shall be limited to 5 minutes per person and a written copy of any planned testimony should be supplied to DOL at least 24 hours in advance. Those affected by this rulemaking include employers of nannies, personal care or companion services, or individual providers of other household services.

*Questions regarding the rulemaking or the public hearing: Jason Keller, DOL, 524 S. Second St., Springfield IL 62701, 217/782-1706, [Jason.keller@illinois.gov](mailto:Jason.keller@illinois.gov)*

## Adopted Rules

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18 (according to IGB, many international amateur and professional sports events feature 16- and 17-year old participants). Master sports wagering licensees are affected by this rulemaking.

*Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

### CAMPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Camping

on Department of Natural Resources Properties (17 IAC 130; 45 Ill Reg 6580) effective 8/30/21 that establish an \$80 fee for camping in a boathouse cabin at Siloam Springs State Park and clarify that when DNR closes a campground, the unused portion of affected reservation fees, minus the fee paid to the reservation host affiliate, will be refunded.

*Questions/requests for copies: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217/782-1809.*

## Proposed Rulemakings

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outlined, along with evaluation criteria. The purpose of the grants is to improve academic outcomes for students, provide opportunities for enrichment activities in a safe and healthy environment, and strengthen public, private, and philanthropic partnerships to provide quality support services for students facing the greatest challenges. Those affected by this rulemaking include non-profit community organizations.

*Questions/requests for copies/comments through 10/25/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, (217) 782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

### ■ MENTAL HEALTH

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed a new Part

titled Social Service for Non-Waiver Home and Community Based Services (89 IAC 141; 45 Ill Reg 10913) that outlines the requirements for the Children's Mental Health – Home and Community-Based Services program (Pathways to Success), which will provide access to new care coordination and home and community-based services for children with complex behavioral health needs. Participants must be Illinois residents under age 21 who are eligible for medical assistance and have been diagnosed with a severe and persistent mental illness, or demonstrate a serious emotional disturbance, that limits their ability to function in the family, school or community setting. Individuals seeking these services must have an Integrated Assessment and Treatment Plan (IATP) completed by a qualified provider of their choice; HFS will

use the information from the IATP to determine if the individual qualifies for the program. Eligibility will be redetermined every 6 months with a full reassessment of the individual's IATP. The rule outlines the types and intensity of services that will be covered, the professional qualifications required of service providers, and appeal processes for individuals or providers denied access to the program. Child/adolescent mental health treatment providers may be affected by this rulemaking.

*Questions/requests for copies/comments through 10/25/21: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

**NO SECOND NOTICES  
THIS WEEK**

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, co-chair**  
**Senator John F. Curran**  
**Senator Donald DeWitte**  
**Senator Kimberly Lightford**  
**Senator Tony Muñoz**  
**Senator Sue Rezin**

**Representative Tom Demmer**  
**Representative Michael Halpin**  
**Representative Frances Ann Hurley**  
**Representative Steven Reick**  
**Representative Curtis Tarver, II**  
**Representative Keith Wheeler, co-chair**

**Kim Schultz**  
**Executive Director**